IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PIL WRIT PETITION NO.35 OF 2006

Mr.Murti Upadhye : Petitioner

V/s.

The Municipal Corporation of Greater Mumbai & Ors. : Respondents

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Mr.S.K.Sthalekar for the petitioner.

Ms S. Ahjithkumar for respondent no.1.

Mr.Anand Grover with Ms Firdose Moosa i/b. Mr.Prakash Mahadik for respondent no.3.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : OCTOBER 11, 2006.

P.C.

1. We heard Mr.S.K.Sthalekar, the counsel for the petitioner, and perused the Writ Petition and the documents annexed thereto.

2. The petitioner claims to be a social worker. He admittedly resides in the vicinity of the subject plot. By means of this Writ Petition filed on 27.2.2006, the petitioner prays for demolition of the building constructed by the respondent no.3 on plot no.44-45, Pamak

House, Behind Rajdarbar Hotel, Chakki Galli, Danda, Khar (West), Mumbai. The Writ Petition came to be filed by the petitioner after the construction has been completed. If the petitioner resides in the same locality as he alleges, he could have approached the Court immediately after the construction began. He, however, kept quiet and approached the Court only after completion of the construction. In the circumstances, we are not persuaded to invoke our high prerogative jurisdiction in public interest.

3. Writ Petition is dismissed in limine.

R.M. LODHA, J.

S.A. BOBDE, J.